IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.208 OF 2007

Kumbhar Products ..Petitioner
Versus
The Sangali Bank Ltd., Sangli & Ors..Respondents

Mr.Rakesh Bhatkar for the petitioner

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 18.04.2007

PC

1. Heard learned Advocate for the petitioner.

2. The petitioner has obtained a loan from the respondent-bank. The respondent-bank filed a Special Civil Suit No.135 of 1997 before the Civil Judge, Senior Division. That suit was decreed on 15.11.2002. Thereafter the execution is pending. The petitioner is now trying to claim benefit on the basis of his debt reconstructing mechanism policy applicable to SME (Small & Middle Enterprises). However, this contemplates a pending dispute. It is also contemplates that the person taking loan must be willful defaulter. In view of the said policy, the matter was already decided in the year 2002 and therefore, the said policy is not applicable to the petitioner. Petition is dismissed.

(R.S.Mohite,J) (S.B.Mhase,J)